

REMARKS

In the Office Action mailed by the United States Patent and Trademark Office on September 6, 2006, the Examiner objected to claim 16; rejected claims 1-7, 9, 11-16, 18-21, 23, 25 and 27-29 under 35 U.S.C. § 102(e) as being anticipated under Sash (US 2005/0075925); claims 8, 10, 22 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sash (US 2005/0075925).

Claim Rejections Under 35 U.S.C. § 102

Applicant respectfully submits that Sash is not a reference that may be cited against the present application under 35 U.S.C. § 102(e). A piece of art may be utilized under 102(e) only if it has an effective filing date before the present application.

When a U.S. patent application publication is used to reject claims under 35 U.S.C. § 102 (e), the disclosure relied on in the rejection must be present in the published application. (MPEP 2136.02) Sash is a divisional of application number 09/565,399 filed on May 5, 2000. The present application has a filing date of April 10, 2001. Accordingly, for Sash to serve as § 102(e) prior art against the present application the information relied upon by the Examiner must have been disclosed in the application no. 09/565,399 filed on May 5, 2000. However the application from which Sash depends is not a publically available document. Accordingly, it is not possible to ascertain whether the material relied on in Sash was present in the parent application. Accordingly, Sash as cited against the present application has an effective filing date as of Mar. 25, 2003. Because Sash's effective filing date occurs later in time than the filing date for the present application, Sash is not a reference that may be cited against the present application.

Claim Rejections Under 35 U.S.C. § 103

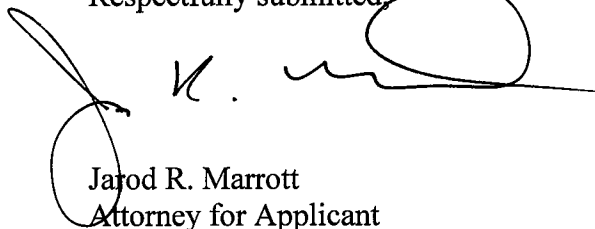
As noted above, Sash is not a reference that may not be cited against the present application. Accordingly, the rejections under 35 U.S.C. § 103(a) which depends upon Sash are inappropriate.

CONCLUSION

Applicants submit that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicants request favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

DATED this 01 day of December, 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jarod R. Marrott', is written over a large, loopy circular mark.

Jarod R. Marrott
Attorney for Applicant
Registration No. 54,294

KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 323-5937
Facsimile: (801) 321-4893

JRM/krw
921554